

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TRACBEAM, LLC,

Plaintiff,

VS.

AT&T, INC. et al.,

Defendants.

**TELECOMMUNICATIONS SYSTEMS,
INC.**

Consolidated Defendant
and

LOCATION LABS,

Intervenor.

CASE NO. 6:11-CV-096 (lead)
CASE NO. 6:12-CV-058

**ORDER GRANTING AGREED MOTION TO AMEND DOCKET CONTROL ORDER
AND DENYING AGREED MOTION TO MODIFY PAGE LIMITS FOR CLAIM
CONSTRUCTION BRIEFING**

The Court has considered the Agreed Motion to Amend Docket Control Order and Modify Page Limits for Claim Construction Briefing (Docket No. 301) that was jointly filed by the parties, and it finds there is good cause to extend the below-identified claim construction deadlines. Therefore, the Court **GRANTS** the Agreed Motion to Amend Docket Control Order to the extent the Motion seeks an extension of deadlines. The Court further notifies the parties that no additional extensions will be granted in this case absent a showing of good cause.

Event	Previous Deadline	Modified Deadline
Plaintiff's Opening Claim Construction Brief of no more than 30 pages [P.R. 4-5(a)]	August 22, 2012	August 27, 2012
Defendants' Responsive Claim Construction Brief of no more than 30 pages [P.R. 4-5(b)]	September 25, 2012	October 1, 2012
Plaintiff's Reply Claim Construction Brief of no more than 10 pages [P.R. 4-5(c)]	October 22, 2012	October 25, 2012
Claim Construction Discovery Cutoff	August 9, 2012	November 1, 2012
Tutorials due. Deadline for parties, if they desire, to provide Court with tutorials concerning technology involved in patent. If a technical advisor has been appointed, each party that provides a tutorial shall provide a copy to the advisor.	August 16, 2012	October 25, 2012

The Court **DENIES** the Agreed Motion to Modify Page Limits for Claim Construction Briefing. The Local Rules' page limits ease the burden of motion practice on both the Court and the parties. This Court has hundreds of complex cases and deals with a large number of motions each year. It has become common practice for parties to regularly expect to exceed the District's page limits on nearly all briefs filed in this Court, which has placed an increased burden on the Court. Even small extensions combine to greatly increase the number of pages of briefing the Court must digest, as well as ruling on all of the motions to exceed page limits. Accordingly, the Court **DENIES** the Agreed Motion to Modify Page Limits for Claim Construction Briefing.

Finally, the Court has reviewed the parties' Joint Claim Construction and Prehearing Statement (Docket No. 296). There are two patents in suit and thirty-nine terms in dispute. The Court notes that the parties indicate they will need approximately three hours total for claim construction arguments. While three hours is not an unreasonable request, with thirty-nine disputed terms, this results in an average of four minutes per term. The Court strongly

encourages the parties to not merely rest on their briefs for disputed terms. If the terms are not important enough to the parties to require the parties' oral arguments, the Court questions whether the terms are material enough to warrant the Court's time and efforts to construe them.

Accordingly, the Court **ORDERS** the parties to meet and confer and narrow the number of disputed terms to a reasonable number. The Court further **ORDERS** the parties to file an amended P.R. 4-3 Statement by August 23, 2012.

So ORDERED and SIGNED this 20th day of August, 2012.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE